

Senate File 2253 - Introduced

SENATE FILE 2253
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3018)

(COMPANION TO HF 2239 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the discovery of evidence in a criminal or
2 postconviction relief action involving victims of sexual
3 abuse.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 622.31A Evidence — victims of
2 sexual abuse.

3 1. The provision of rule of evidence 5.412 involving a
4 victim of sexual abuse shall apply to discovery conducted in a
5 criminal case or in a postconviction relief proceeding under
6 chapter 822 including but not limited to depositions.

7 2. If a defendant in a criminal action or an applicant for
8 postconviction relief wishes to conduct discovery involving
9 evidence subject to rule of evidence 5.412, the defendant or
10 applicant shall comply with substantially the same procedural
11 requirements for evidence sought to be offered at trial
12 including timelines, offers of proof, service, purpose of
13 proposed discovery, in camera hearings, relevancy, and the
14 balancing of the probative value of the evidence with the
15 danger of unfair prejudice.

16 3. Discovery, by deposition or otherwise, shall not be
17 permitted for evidence that would not be admissible at trial
18 under rule of evidence 5.412.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

22 This bill relates to the discovery of evidence in a criminal
23 or postconviction relief action involving victims of sexual
24 abuse.

25 The bill provides that the provisions of rule of evidence
26 5.412 (sexual abuse cases; victim's past sexual behavior)
27 shall apply to discovery conducted in a criminal case or
28 postconviction relief action under Code chapter 822 including
29 but not limited to depositions.

30 The bill provides that if a defendant in a criminal action
31 or an applicant for postconviction relief wishes to conduct
32 discovery involving evidence subject to rule of evidence 5.412,
33 the defendant or applicant shall comply with substantially
34 the same procedural requirements for evidence sought to be
35 offered at trial including timelines, offers of proof, service,

1 purpose of proposed discovery, in camera hearings, relevancy,
2 and the balancing of the probative value of the evidence with
3 the danger of unfair prejudice. Discovery, by deposition or
4 otherwise, shall not be permitted for evidence that would not
5 be admissible at trial under rule of evidence 5.412.